



Alliance for Community Media

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March 28, 2016

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Second Report and Order on Closed Captioning of Video Programming (CG DN 05-231)

Dear Ms. Dortch,

We are writing to state a concern about the Second Report and Order on Closed Captioning of Video Programming (“Order”) as it relates to Public Access television channels and producers.

While we recognize the reason to have Public, Educational and Government (PEG) Access channels that are exempt from captioning requirements register contact information and report their exempt status on a yearly basis to the Commission, we believe the Order will have an unintended consequence of requiring needless reporting for tens of thousands of Public Access producers throughout the United States, and will create a significant and unnecessary burden on the FCC’s system.

We expect that the vast majority of PEG channels will certify that they have a statutory exemption under the rules. We recognize that there will be benefits for the handling of consumer complaints on captioning under the Order. Ensuring a point of contact for video programmers such as PEG Access channels will be an additional benefit.

However, the Order’s definition of “video program owners” [VPOs] presents a difficulty for the Commission and for access channels. The Order concludes that “the term video programmers includes all VPOs” (paragraph 12). This definition may work well for the general purposes of the Order, but has the unintended consequence of including *all Public Access producers* throughout the United States as video programmers.

This could mean tens of thousands of ordinary citizens and organizations – Cub Scouts, gospel choirs, political candidates, and community groups of every possible type – will be required to certify to the Commission on a yearly basis that their programming is exempt due to their distribution on exempt PEG channels. As a practical matter, this will be difficult to administer in Public Access production centers, and will needlessly clutter the FCC’s records. We understand that this is not what is intended by the Order.

We request that the Commission determine that Public Access producers are exempt from registration and certification as long as they distribute their programs on exempt PEG channels.

We appreciate your attention to the matter and to the Commission's dedication to access issues.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Wassenaar', with a long horizontal flourish extending to the right.

Mike Wassenaar
President & CEO
Alliance for Community Media

CC: Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly